

**Summary of the Minutes  
November 4, 2013 Regular Meeting  
City of Binghamton Planning Commission  
City Council Chambers, City Hall**

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**CALL TO ORDER**

Chairman Stella called the meeting to order at 5:16 pm.

**ROLL CALL**

Present: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Absent: Ayres, Berling, Emilio, Staff

Vacant: None

Staff Present: T. Costello, T. Martinez, L. McCullen

**APPROVAL OF SUMMARY OF THE MINUTES**

*Motion to approve the Summary of the Minutes from the October 7<sup>th</sup>, 2013 regularly scheduled Planning Commission meeting.*

Moved by Bowers, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

**PUBLIC HEARINGS**

**107 OAK STREET (2013-51)**

Michael Zella appeared to provide information on the proposed conversion of the ground floor of an existing property from commercial office space into two residential units, for a total of five residential units in the building.

Chairman Stella opened the public hearing. No one spoke in opposition to the proposal. No letters were received in favor or in opposition of the proposal.

*Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.*

Moved by Pompei, seconded by Corcoran

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

*Motion to approve the site plan subject to the following conditions:*

1. All exterior improvements listed on the attached letter from the applicant file dated August 30, 2013 shall be completed prior to the issuance of a Certificate of Occupancy for 107 Oak Street.
2. The tenants at 107 Oak Street shall be required to store trash within the dumpster enclosure located at 105 Oak Street. The perimeter of the dumpster pad located at 105 Oak Street shall be enclosed on three sides by an enclosure not less than the height of the dumpster plus six inches. The enclosure must provide a visual barrier between the interior and exterior of the dumpster area. The remaining side of the dumpster enclosure shall be enclosed with a minimum 30-inch wide gate to enable a person to walk into the enclosure to deposit trash, garbage, refuse, or recyclable materials.
3. The owner shall be responsible for keeping the site free of litter and debris at all times.
4. A final site plan shall be submitted for review and approval by the Planning Department which illustrates the size, species and location of all planting materials to be planted in the perimeter landscape beds along the side lot lines and illustrates the removal of the concrete between the front porch of 107 Oak Street and the sidewalk and the size, species and location of all planting material to be planted in its place.
5. **Trash Enclosure Access and Maintenance Agreement**  
Prior to issuance of a certificate of occupancy, the applicant shall prepare a reciprocal trash enclosure access and maintenance agreement incumbent upon 105 Oak Street and 107 Oak Street for the purposes of allowing the storage of trash and recyclables for 105 and 107 Oak Street within the trash enclosure located at 105 Oak Street. The agreement shall include provisions for maintenance of the trash enclosure and shall be recorded at the County Clerk's Office at the applicant's expense.

Moved by Pompei, seconded by Bowers

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

## **164-168 CLINTON STREET (2013-54)**

Jeff Smith, Mike Haas and Jerry Willard appeared to provide information on a proposal to construct a three story mixed use building, consisting of 969 square feet of ground floor commercial space and ten dwelling units reserved for seniors in the C-4, Neighborhood Commercial District.

No one spoke in opposition to the proposal. No letters were received in favor or in opposition of the proposal.

*Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.*

Moved by Corcoran, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

*Motion to approve the site plan subject to the following conditions:*

1. Urban Runoff Reduction Plan. Prior to the issuance of a grading, building, and/or demolition permit for the proposed project a Final Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter 227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.
2. Undergrounding of Utilities. The project applicant shall submit plans for review and approval by the Department of Building Construction Building Construction, Zoning and Code Enforcement, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground from the project applicant's structure to the point of service. The plans shall show all electric, telephone, water service, fire service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.
3. Assurance of Landscaping Completion. Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond,

cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.

4. Landscape Maintenance. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.
5. Improvements in the Public Right-of-Way. Along with the Building Permit application for the proposed project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.
6. Prior to the issuance of a building permit the applicant shall submit a revised site plan for review and approval by the Planning Department that orients the required parking spaces perpendicularly to the rear property line or locates the parking in such a manner as to provide for safe and efficient parking and maneuverability that complies with Article X of the Zoning Code.

Moved by Corcoran, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

## **SEQR DETERMINATIONS**

### **20 HAWLEY STREET (2013-60)**

Joseph Genzano and Jeff Wyszynski appeared to provide information on an application for a Series A Site Plan & Special Use Permit to construct two five-story multi-unit residential additions to a mixed-use development in the C-2 district.

*Motion to declare the proposed action an Unlisted Action for State Environmental Quality Review.*

Moved by Pompei, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

*Motion to declare the Planning Commission be Lead Agency under the State Environmental Quality Review Act.*

Moved by Pompi, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompi

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

*Motion to set a public hearing for December 2, 2013 at 5:22pm.*

Moved by Pompi, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompi

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

## **OTHER BUSINESS**

### **169 RIVERSIDE DRIVE (2013-46)**

Sarah Campbell and Dustin Whalen appeared to provide information on revisions made to the site plan for the proposed conversion of a temporary parking area into a permanent parking lot containing 63 spaces for Lourdes Hospital. The decision for approval/denial of the Series A Site Plan Review and Special Use Permit had been tabled at the October 7, 2013 regularly scheduled Planning Commission meeting.

*Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.*

Moved by Pompi, seconded by O'Loughlin

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompi

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

*Motion to approve the site plan subject to the following conditions:*

**1. Urban Runoff Reduction Plan.** Prior to the issuance of a grading, building, and/or demolition permit for the proposed project a Final Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter 227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.

**2. Assurance of Landscaping Completion.** Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.

**3. Landscape Maintenance.** All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**4. Improvements in the Public Right-of-Way.** Along with the Building Permit application for the proposed project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.

**5.** The applicant shall submit a revised site plan for review and approval by the Planning Department illustrating the placement of two (2) height limit bars to be located across the driveway.

Moved by Pompei, seconded by Corcoran

**Motion carried (5-0-0)**

Ayes: Stella, Bowers, Corcoran, O'Loughlin, Pompei

Nays: None

Absent: Ayres, Berling, Emilio, Staff

Recused: None

### **ADJOURNMENT**

*Motion to adjourn the meeting.*

Moved by Pompei, seconded by Bowers

Voice vote; none opposed.

Adjourned at 6:45 p.m.